

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

STEVE-ANN MUIR, for herself and all others  
similarly situated,

Plaintiff,

v.

EARLY WARNING SERVICES, LLC;  
WELLS FARGO BANK, N.A.; BANK OF  
AMERICA, NATIONAL ASSOCIATION;  
FIRST ADVANTAGE BACKGROUND  
SERVICES CORP.; and JOHN DOES 1-10,

Defendants.

DOCUMENT FILED ELECTRONICALLY

CIVIL ACTION NO.:  
2:16-cv-00521-SRC-CLW

**NOTICE OF DEFENDANT WELLS  
FARGO BANK, N.A.'S MOTION TO  
DISMISS COUNT XI OF PLAINTIFF'S  
COMPLAINT PURSUANT TO FED. R.  
Civ. P. 12(b)(6)**

**PLEASE TAKE NOTICE** that on May 16, 2016 at 9:00 a.m., or as further ordered by the Court, the undersigned attorneys for Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), shall move before the above named Court located at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, for an Order dismissing Count XI of Plaintiff's Complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Wells Fargo will rely on the Memorandum of Law submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that Wells Fargo respectfully requests oral argument if this Motion is opposed.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order granting Wells Fargo's Motion is enclosed herewith.

**REED SMITH LLP**  
Attorneys for Defendant

By: /s/ Meghan O. Offer  
Meghan O. Offer  
Princeton Forrestal Village  
136 Main Street, Suite 250  
Princeton, New Jersey 08540  
Tel. (609) 987-0050 Fax. (609) 951-0824

P. Gavin Eastgate (*pro hac vice* admission to be filed)  
Reed Smith Centre  
225 Fifth Avenue, Suite 1200  
Pittsburgh, Pennsylvania 15222  
Tel. (412) 288-5710

Albert E. Hartmann (*pro hac vice* admission pending)  
Reed Smith LLP  
10 South Wacker Drive, 40th Floor  
Chicago, IL 60606-7507  
Tel.: (312) 207-2821 Fax. (312) 207-6400

Attorneys for Defendant Wells Fargo Bank, N.A.

Dated: April 18, 2016